

REMARKS/ARGUMENTS

The present Amendment is in response to the Office Action having a mailing date of March 28, 2005. Claims 7-9, 11-18, and 20-22 are pending in the present Application. Applicant has amended claims 7 and 15. Consequently, claims 7-9, 11-18, and 20-22 remain pending in the present Application.

Applicant has amended claims 7 and 15 to more clearly specify that the display to which the image is provided is on the image capture device or unit. Accordingly, Applicant respectfully submits that no new matter is added.

In the above-identified Office Action, the Examiner rejected claims 7-9, 11-18, and 20-22 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over U.S. Patent No. 5,973,734 (Anderson I) in view of U.S. Patent No 5,270,831 (Parulski).

Applicant respectfully traverses the Examiner's rejection. Applicant has provided herewith a Terminal Disclaimer disclaiming the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of Anderson I. Consequently, Applicant respectfully submits that the Examiner's rejection of claims 7-9, 11-18, and 20-22 for obviousness-type double patenting is moot.

In the above-identified Office Action, the Examiner also rejected claims 7-9, 11, 12, 15-18, and 20 under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,262,789 (Anderson II).

Applicant respectfully traverses the Examiner's rejection. Claim 7 recites a method for correcting an aspect ratio of an image. The method recited in claim 7 includes determining whether the aspect ratio of the image matches a predetermined aspect ratio. If the aspect ratio of the image does not match a predetermined aspect ratio, then claim 7 recites cropping the image. Claim 15

recites an analogous system. Thus, an upright image of the appropriate size can be provided to the display of the digital camera.

Although Anderson II functions well for its intended purpose, Anderson II fails to teach determining whether the aspect ratio of the image matches a predetermined aspect ratio. Anderson II describes a system that rotates an image such that the image is displayed upright on a digital imaging device. The cited portion of Anderson II does describe cropping the image. For example, a portrait image may be rotated to be depicted on a digital camera having a display oriented in a landscape mode. In such a case, Anderson II mentions cropping the image (e.g. the top and/or bottom of the image) so that the image fits at least a portion of the screen. However, the cited portion of Anderson II does not describe comparing the aspect ratio of the image to a predetermined aspect ratio in order to perform this, or another, function. Thus, one of ordinary skill in the art employing the teachings of Anderson II might use another mechanism for determining whether and how much to crop an image. For example, the heights alone (or widths alone) of rotated images might be compared to the height alone (or width alone) of the display in order to determine whether to crop the image. Thus, although Anderson II describes cropping the image, a comparison of the aspect ratio of the image to the predetermined aspect ratio is not discussed. Anderson II thus fails to teach the method and system recited in claims 7 and 15, respectively. Accordingly, Applicant respectfully submits that claims 7 and 15 are allowable over Anderson II.

Claims 8-9, 11, and 12 depend upon independent claim 1. Claims 16-18 and 20 depend upon independent claim 15. Consequently, the arguments herein apply with full force to claims 8-9, 11-12, 16-18, and 20. Accordingly Applicant respectfully submits that claims 8-9, 11-12, 16-18, and 20 are allowable over Anderson II.

In the above-identified Office Action, the Examiner rejected claims 7-9 and 15-17 under 35 U.S.C. § 102 as being anticipated by Parulski.

Applicant respectfully traverses the Examiner's rejection. Claim 7 recites a method for correcting an aspect ratio of an image. The method recited in claim 7 is for a digital camera and includes rotating the image so that the image appears upright on the display of the image capture device and determining whether the aspect ratio of the image matches a predetermined aspect ratio. Claim 7 also recites cropping the image if the aspect ratio of the image does not match a predetermined aspect ratio, thereby providing a cropped image. The method of claim 7 provides the possibly rotated and cropped image to the display on the image capture unit. Claim 15 recites an analogous system. Thus, an upright image of the appropriate size can be provided to the display of the digital camera. Consequently, performance of the digital camera is improved.

Parulski describes a system that converts film images to digital images. Parulski, col. 2, lines 46-51. Thus, the digital images are scanned in. Parulski, col. 2, lines 61-64. As the images are digitized, a user then enters control codes that indicate the orientation of the film image as well as the aspect ratio of the image. Parulski, col. 2, line 67-col. 3, line 1 and col. 5, lines 63-67. Thus, the completed image file includes the image data and the control codes entered by the user. To display the image, the data is provided to a playback device. Once the file for the image is provided to the playback device, the playback device can display the image upright. Parulski, col. 2, line 59-col. 3, line. Thus, the digitized film images can be displayed upright on the playback device.

Parulski fails teach or suggest the method and system recited in claims 7 and 15, respectively. In particular, Parulski fails to teach or suggest rotating the image to be upright on the display of the digital camera and providing the image to a display on the digital camera. Parulski teaches the use of separate devices for converting film images to digital images. One device is for

scanning the images and entering the control codes. A separate, playback device is used to display the images. Applicant assumes, *arguendo*, that the scanning device is analogous to the recited image capture device that is a digital camera. However, Parulski does not rotate the image to be upright on the display of the scanning device/digital imaging device. Further, Parulski does not provide the image to the display of the scanning device/digital imaging device. Instead, Parulski provides the images to the separate playback device, which displays the images in the desired orientation. Consequently, Parulski fails to teach or suggest rotating the image to be upright on the display of the digital camera and providing the image to a display on the digital camera. Accordingly, Applicant respectfully submits that claims 7 and 15 are allowable over the cited references.

Claims 8-9 depend upon independent claim 7. Claims 16-17 depend upon independent claim 15. Consequently, the arguments herein apply with full force to claims 8-9 and 16-17. Accordingly, Applicant respectfully submits that claims 8-9 and 16-17 are allowable over the cited references.

The Examiner also rejected claims 11-14, 18, and 21-22 under 35 U.S.C. § 103 as being unpatentable over Parulski.

Applicant respectfully traverses the Examiner's rejection. Claims 11-14 depend upon independent claim 7. Claims 18 and 20-22 depend upon independent claim 15. Consequently, the arguments herein apply with full force to claims 11-14, 18, and 20-22. Accordingly, Applicant respectfully submits that claims 11-14, 18, and 20-22 are allowable over the cited references.

Applicant's attorney believes that this application is in condition for allowance. Should any unresolved issues remain, Examiner is invited to call Applicant's attorney at the telephone number indicated below.

Respectfully submitted,

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Date



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